

RESTRICTION REQUIREMENT

In the Office Action, the Patent Office is requiring restriction under 35 U.S.C. §121 to one of the following Groups of inventions:

- Group I: Claim 1 is directed to anti-PSCA antibodies;
- Group II: Claims 53-69 are directed to PSCA protein fragments which induce an immune response in a subject.

TRAVERSAL

Applicants hereby elect the invention of Group II with traverse.

Reconsideration of the Restriction Requirement is requested for the following reasons:

Applicants point out that under MPEP §803, there are two criteria for a proper requirement for restriction, namely: (1) the invention must be independent and distinct; AND (2) there must be serious burden on the Examiner for restriction to be required.

Applicants respectfully contend that the second requirement of §803 has not been met. The Patent Office has not demonstrated a serious burden for searching the art. Each of the claims of Groups I and II are classified in class 530. Further, a search of the prior art in regard to the antibodies of Group I will reveal whether any prior art exists as to PSCA protein fragments of Group II. Therefore, the Examiner can perform a search on the entire application without serious burden. Thus, search of the art with regard to the invention of Groups I and II would not place an undue burden on the Examiner. Moreover, separate prosecution of these claims would be unnecessarily duplicative and thus wasteful of Patent Office resources. Therefore, under MPEP Section 803, the instant claims do not require restriction.

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Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement of these claims.

Conclusion

Applicants submit that claims 1, and 53-69 should properly be examined together for the reasons discussed above.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

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